

Lieutenant Karen E. Lloyd, project attorney, Ninth Coast Guard District Legal Office.

Regulatory Evaluation

This regulation is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has not been reviewed by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of the proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

Collection of Information

This rule contains no information collection requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that, under section 2.B.2 of Commandant Instruction M16475.1B, this rule is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirement, Security measures, Waterways.

For the reasons set out in the preamble, the Coast Guard amends 33 CFR Part 165 as follows:

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; and 49 CFR 1.46.

2. A new temporary section § 165.T09-009 is added to read as follows:

§ 165.T09-009 Safety Zone; Lake Erie, in the Vicinity of Euclid, OH.

(a) *Location.* The following area is a safety zone: one quarter mile radius centered on 41-47.6N, 081-36.1W, covering the surface waters of Lake Erie down to the lake's bottom. (CNAD 83)

(b) *Effective dates.* This section becomes effective at 12 noon EST on May 29, 1995, and terminates at 12 noon EST on October 1, 1995 unless terminated earlier by the Coast Guard Captain of the Port.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Coast Guard Captain of the Port or his designated representative. The senior officer on the vessel enforcing the safety zone can be contacted on VHF-FM Channel 16. The Captain of the Port, Cleveland, and the Command Duty Officer at Marine Safety Office Cleveland can be contacted at telephone number (216) 522-4405.

Dated: May 12, 1995.

J.J. Davin, Jr.,

Commander, U.S. Coast Guard, Captain of the Port Cleveland.

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33 CFR Part 165

[CGD01-95-137]

RIN 2115-AA97

Safety Zone; City of Gloucester Fireworks, Gloucester, MA

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone in Gloucester Harbor, Gloucester, MA, on September 2, 1995, from 8:30 p.m. until 10:30 p.m., in the vicinity of Pavilion Beach, Western Harbor. This zone is needed to protect the marine community from hazards associated with fireworks displays. Entry of vessels or persons into the zone is prohibited unless authorized by the Captain of the Port (COTP) Boston.

EFFECTIVE DATE: This regulation becomes effective at 8:30 p.m. on September 2, 1995, and terminates at 10:30 p.m. on September 2, 1995, or when the fireworks display is completed, unless extended or terminated sooner by the COTP Boston.

FOR FURTHER INFORMATION CONTACT: LT Gary Croot or MKC Larry Toler, Waterways Management Division, Coast Guard Captain of the Port Boston, 455 Commercial Street, Boston, MA 02109-1045, (617) 223-3000.

SUPPLEMENTARY INFORMATION:

Drafting Information

The drafters of this notice are LT Gary Croot, Waterways Management

Division, Coast Guard Captain of the Port Boston, and LCDR S.R. Watkins, project attorney, First Coast Guard District Legal Office.

Regulatory History

As authorized by 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation. Good cause exists for not publishing an NPRM and for making this regulation effective in less than 30 days after **Federal Register** publication. Due to the late date the application was received, there was not sufficient time to publish a proposed rule or a final rule 30 days in advance of the event. The delay to be encountered if normal rulemaking procedures were followed would effectively cancel the event. Cancellation of this event is contrary to the public interest since the fireworks display is in celebration of the Gloucester Boat Light Parade.

Background and Purpose

The Gloucester Fireworks Fund requested a fireworks display be permitted in Gloucester Harbor on September 2, 1995 to celebrate the Gloucester Boat Light Parade. The Captain of the Port (COTP) Boston is implementing this safety zone to protect mariners and the viewing public from the inherent hazards associated with a fireworks display in Gloucester Harbor. The fireworks display is scheduled to take place on September 2, 1995 from 9:15 p.m. to 10 p.m. in an area bound by a line drawn from a point west of the mouth of the Blynman Canal in position 42°-36'-33"N, 070°-040'-30"W, thence southeast to lighted buoy 11 in position 42°-36'-20"N, 070°-39'-52"W. The line then continues southward to Ten Pound Island Light in position 42°-36'-08"N, 070°-39'-56"W, then west to a point in position 42°-36'-08"N, 070°-40'-21"W. From this position the line continues northwest to the eastern most point of Stage Head Park at 42°-36'-18"N, 070°-40'-31"W, then northward along the shoreline to the starting position. The zone will be in effect from 8:30 p.m. September 2, 1995 until 10:30 p.m., September 2, 1995 unless extended or sooner terminated by the COTP Boston.

A Coast Guard Station Gloucester patrol craft and Gloucester Harbor Police craft will be on scene to enforce the safety zone. A Safety Marine Information Broadcast will be conducted prior to and during the event.

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs

and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this regulation to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This is because the event is of limited duration, will be conducted at a late hour, and extensive public advisories will be made well in advance of the event.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this temporary final rule will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632).

For the reasons addressed under the Regulatory Evaluation above, the Coast Guard expects the impact of this regulation to be minimal and certifies under 5 U.S.C. 605(b) that this temporary final rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This rule contains no information collection requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this rulemaking under the principles and criteria contained in Executive Order 12612 and has determined that this temporary final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that, under section 2.B.2. of Commandant Instruction M16475.1B, this rule is categorically excluded from further environmental documentation. An Environmental Checklist and Categorical Exclusion Determination are available for inspection in the docket.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons set out in the preamble, the Coast Guard amends 33 CFR Part 165 as follows:

PART 165—[AMENDED]

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; 49 CFR 1.46.

2. A temporary section, § 165.T01–137, is added to read as follows:

§ 165.T01–137 Safety Zone: City of Gloucester fireworks. Gloucester, MA.

(a) *Location.* The following area is a safety zone: All waters of Gloucester Harbor within the area bounded by a line drawn from a point west of the mouth of the Blynman Canal in position 42°–36′–33″N, 070°–40′–30″W, thence southeast to lighted bouy 11 in position 42°–36′–20″N, 070°–39′–52″W. The line then continues southward to Ten Pound Island Light in position 42°–36′–08″N, 070°–39′–56″W, then west to position 42°–36′–08″N, 070°–40′–21″W. From this position the line continues northwest to the eastern most point of Stage Head Park at 42°–36′–18″N, 070°–40′–31″W, then northward along the shoreline to the starting position.

(b) *Effective date.* This section is effective at 8:30 p.m. on September 2, 1995. It terminates at 10:30 p.m. on September 2, 1995, unless extended or terminated sooner by the Captain of the Port Boston.

(c) *Regulations.* In accordance with the general regulations in section 165.23 of this part, entry into or movement within this zone is prohibited except as authorized by the Captain of the Port Boston.

Dated: August 22, 1995.

D.M. Maguire,

Captain, U.S. Coast Guard, Captain of the Port, Boston, Massachusetts.

[FR Doc. 95–21693 Filed 8–31–95; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 70

[AD–FRL–5289–9]

Clean Air Act Final Interim Approval of Operating Permits Program and Approval of Delegation of Section 112(l); State of Iowa

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final interim approval.

SUMMARY: The EPA is promulgating interim approval of the Operating Permits Program submitted by Iowa for the purpose of complying with Federal requirements for an approvable state program to issue operating permits to all major stationary sources, and to certain other sources. EPA is also approving, under section 112(l), the state's program for accepting delegation of section 112 standards.

EFFECTIVE DATE: This rule will become effective on October 2, 1995.

ADDRESSES: Copies of the state's submittal and other supporting information used in developing the final interim approval are available for inspection during normal business hours at the following location: USEPA Region VII, 726 Minnesota Avenue, Kansas City, Kansas, 66101.

FOR FURTHER INFORMATION CONTACT: Christopher D. Hess at (913) 551–7213.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose

Title V of the 1990 Clean Air Act Amendments (sections 501–507 of the Clean Air Act ("the Act")), and implementing regulations at 40 Code of Federal Regulations (CFR) part 70 require that states develop and submit operating permits programs to EPA by November 15, 1993, and that EPA act to approve or disapprove each program within one year after receiving the submittal. The EPA's program review occurs pursuant to section 502 of the Act and the part 70 regulations, which together outline criteria for approval or disapproval.

Where a program substantially, but not fully, meets the requirements of section 502 and part 70, EPA may grant the program interim approval for a period of up to two years. 40 CFR 70.4(d)(3) sets forth the minimum requirements a state program must meet in order to be eligible for interim approval. The 11 minimum requirements include: (1) Adequate fees, (2) applicable requirements, (3) fixed term permits, (4) public participation,